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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
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June 1, 2017

Captain Christopher Bergner
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Steven Hohn
J.S.I.D. File #15-0110
L.A.S.D. File #015-04400-1328-056

Dear Captain Bergner:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 3, 2015, non-fatal shooting of Steven Hohn by Los Angeles County Sheriff's Department Deputy Sergio Santoyo. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

Shannon Presby
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Sergio Santoyo #[redacted]

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MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Steven Hohn
J.S.I.D. File #15-0110
L.A.S.D. File #015-04400-1328-056

DATE: June 1, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 3, 2015, non-fatal shooting of Steven Hohn. We have concluded that Los Angeles County Sheriff's Department (LASD) Deputy Sergio Santoyo acted lawfully in self-defense.

The District Attorney's Command Center was notified of the shooting on March 3, 2015 at 3:50 p.m. The District Attorney Response Team responded to the scene and was given a briefing of the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on reports, recordings and surveillance videos depicting the incident, submitted by LASD Homicide Detectives Timothy O'Quinn and Judy Luera. The voluntary statement of Deputy Santoyo was considered for this analysis.

FACTUAL ANALYSIS

After having served [redacted] Steven Hohn was released from prison on February 23, 2015.[1] On February 24, 2015, Hohn called his [redacted] who lives on 215th Street in the City of Lakewood with her [redacted] and [redacted] and [redacted] and told her about his release. Hohn and [redacted] made arrangements for Hohn to pick up some of his belongings from [redacted] that evening, but Hohn never arrived. While Hohn had lived with his [redacted] in the past, he was no longer welcome in her home.[2]

On March 3, 2015, at about 11:45 a.m., Hohn went to [redacted] home and spoke with [redacted] through the screen door on the front porch of the home. [redacted] refused to allow Hohn into

[1] Hohn was [redacted]

[2] [redacted] explained that Hohn was often causing problems at the home and, as a result, she installed video cameras on the front of her home. One of those cameras captured the shooting. The surveillance system does not record audio.

the home on [redacted] instructions, but did allow Hohn to speak with [redacted] who was at work, on [redacted] cellular phone. Hohn told [redacted] that he missed their [redacted] and made plans with [redacted] to pick up his proprerty from her on March 9, 2015. After Hohn ended his conversation with [redacted] he told [redacted] to call 9-1-1 because there was a [redacted] Eventually, [redacted] who was also at the home, called the Lakewood Sheriff's Station front desk and told them about Hohn's request. At 1:35 p.m., Hohn was still on [redacted] porch and deputies had not yet arrived, so [redacted] again contacted the Sheriff's Station and was told that deputies were busy handling other calls but that they were aware of her call.

At 3:30 p.m., LASD Deputies Sergio Santoyo and Brian Nowell arrived at [redacted] home in response to the request for service. The deputies approached the house and contacted [redacted] who was on the front porch with [redacted] directed their attention to Hohn, who was standing in a small cul-de-sac across the street from the house.[3] The deputies walked toward Hohn, and he started walking toward them. As Hohn was walking toward the deputies, he brandished a utility knife. Santoyo repeatedly ordered Hohn to drop the knife, but Hohn refused.



Figure 1. Screen Shot Taken as Hohn Pulls Utility Knife

Once Hohn brandished the knife, Nowell retreated to the passenger side of Santoyo's patrol car in an effort to retrieve a Taser which was inside the car, and Santoyo drew his firearm. Santoyo backed away from Hohn and continued to order Hohn to put down the knife.

Santoyo told investigators Hohn advanced toward him quickly with the knife in his left hand with a "determined" look on his face and that he was fearful that Hohn was intent on stabbing him when he fired his service weapon. Santoyo said he ordered Hohn to drop the knife several times, but Hohn responded, "No. Fuck you. You're going to have to shoot me!" as Hohn continued moving toward him. Santoyo said he fired only when it became apparent that Hohn would not drop the knife. [redacted] who was looking at the scene through a window in the home, agreed that Santoyo didn't shoot until it looked as if Hohn was about to attack him.

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[3] Both [redacted] and [redacted] left the porch and went inside when the deputies confronted Hohn. They did not witness the shooting or the moments immediately preceding it.

The surveillance video is consistent with the deputies' accounts. It captured Santoyo and Nowell as they arrived, exited their cars and walked toward [redacted] home. They almost immediately turned and walked into the street where they addressed Hohn as he stood in the street. Within moments, Hohn started walking toward Santoyo as Santoyo retreated with his weapon drawn. As Santoyo moved backward toward his patrol car, Nowell entered the passenger door of the car, and Hohn continued toward Santoyo. A moment before Santoyo opened fire, Hohn took a quick step in Santoyo's direction.



Figure 2. Screen Shot Taken at Moment Just Prior to the Shooting

Santoyo fired three shots in quick succession, causing Hohn to drop the knife and fall to the ground. Nowell notified dispatch of the shooting and requested a rescue ambulance before



Figure 3. Knife Wielded by Hohn

attending to Hohn. After searching Hohn for additional weapons, Nowell provided him with water and waited with him until the ambulance arrived; during that time, Nowell asked Hohn, "Dude, why didn't you drop the knife?" Hohn responded, "Because I wanted him to shoot me."

After the shooting, multiple deputies responded to the scene. A utility knife was recovered on the street approximately four feet from where Hohn fell.

Statements of Steven Hohn

Hohn survived and was interviewed twice by investigators. The first interview was conducted on March 6, 2015, three days after the incident, while Hohn was in the Intensive Care Unit at Long Beach Memorial Hospital.[4]

When asked about what led to the shooting, Hohn told investigators, "I tried to get the cops to kill me." Hohn said he had been planning to induce a police officer to kill him for six months, and had started planning while he was in prison. He wanted a police officer to do it because he tried and could not do it himself. Hohn knew, because he was a sex registrant, the police would come looking for him, and he anticipated being able to use the knife, which he had purchased recently, to induce the police to kill him. Hohn described himself as suicidal throughout the interview.[5]

The investigators noticed scratches on Hohn's wrists, but saw no significant cuts.

Hohn was interviewed a second time on March 11, 2015. Hohn explained that, for the year leading up to the incident, he had been incarcerated and felt hopeless because he had no way to support himself. Hohn said he bought the utility knife the day after his release from prison and tried to kill himself with it, but he could not do so because of the dullness of the blade.

On the day of the incident, Hohn visited his [redacted] house, where he felt unwelcome. Hohn walked to the home of family friend and [redacted] who lived [redacted] from [redacted] home. Hohn was standing at [redacted] front gate speaking with her when Santoyo and Nowell drove up.[6] At this point in the interview, Hohn told the investigators that he wanted to apologize to the deputy who shot him.

Hohn said he flipped the knife open, walked toward the deputy and got close to him. The deputies told him to drop the knife, but he replied, "Fuck it, you're going to have to shoot me." Hohn believed that he also told the deputies that he wanted them to kill him. When asked whether he was suicidal, Hohn stated that he was going to die at his own hand. At the conclusion of the interview, Hohn again stated that he had nothing against the deputy who shot him; Hohn said he could not even see the deputy without his glasses and that his intention was simply to get himself killed.[7]

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[4] As a result of the shooting, Hohn was paralyzed from the waist down and suffered significant internal injuries.

[5] Hohn was heavily medicated during this interview and his statements were often unintelligible.

[6] [redacted] was interviewed about her observations of the incident. She said that Hohn was "calm" when he walked toward the deputies, that he did not have anything in his hands, and that he both stopped and turned when ordered by the deputies. Her statements are contradicted by Hohn's admissions, the statements of other witnesses, and the video.

[7] Hohn was charged in case VA138570 with a single count of Penal Code section 245(c), assault on a peace officer. Hohn pled guilty to that charge on January 14, 2017.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others, and, if he is charged with a crime for that use of force, this is a "lawful excuse" which precludes a conviction for the crime. CALCRIM No. 3470. This defense is available if the person actually and reasonably believed that he or others were in imminent danger of bodily injury. Id.; *See also* People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082. In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. A person is not required to retreat; he may stand his ground and defend himself even if safety could have been achieved by retreating. Id.

In this case, Hohn, who was suicidal, executed a plan to have Santoyo shoot him in the hope that he would be killed. Santoyo, who had not interacted with Hohn before, responded to Rachel's non-emergency call for service and was quickly confronted by Hohn, who was intent on forcing Santoyo to open fire. Hohn defied Santoyo's repeated orders to drop the knife he was carrying, and instead continued to advance on Santoyo. In response, Santoyo, even though he was not required to do so, retreated from Hohn until Hohn made it clear that his intention was to attack the deputy. Santoyo's response was a reasonable and proportionate use of force in self-defense to the imminent threat posed by Hohn.

CONCLUSION

Because Hohn presented an immediate, deadly threat to Santoyo when he advanced against Santoyo with a knife and defied all orders to drop the weapon or stop his advance, we conclude that Deputy Santoyo was justified in using deadly force against him in self-defense. We are closing our file and will take no further action in this matter.